JAN 13 2012

DEFT	CHINDURANCE
ΒY	$\mathcal{C}_{\mathcal{D}}$

1	STATE OF ARIZONA						
2	DEPARTMENT OF INSURANCE						
3	In the Matter of:						
<sup></sup> 4	VAIL, THOMAS GUY, (Arizona License # 909238) (National Producer # 392876)  No. 10A-039-INS ORDER						
5 6							
7	Respondent. )						
8							
9	On March 10, 2010, the State of Arizona Department of Insurance ("Department")						
10	filed a fully executed Consent Order in the above-captioned matter a copy of which is attached and incorporated by this reference. Paragraph 4 of the Order states: "In the						
11							
12	event the NV DOI revokes Respondent's resident license, the Director revokes						
	Respondent's Arizona non-resident insurance producer's license, #90938, from the date of						
13	revocation of Respondent's resident license, without further order of the Director."						
14 15	On May 26, 2010, the Nevada Department of Insurance revoked Respondent's						
16	resident license. Respondent did not notify the Department of the revocation of his residen						
	license.						
17	ORDER						
18	IT IS HEREBY ORDERED THAT						
19	The Director revokes Respondent's Arizona non-resident license, #909238						
20	effective as of May 26, 2011.						
21	DATED AND EFFECTIVE this 10 day of January, 2012.						
22	day of January, 2012.						
23							
24	CHPISTINA LIBIAS Director						

CHRISTINA URIAS, Director Arizona Department of Insurance

### **NOTIFICATION OF RIGHTS**

Pursuant to Arizona Revised Statutes ("A.R.S.") § 41-1092.09, Respondent may request a rehearing with respect to this order by filling a written motion with the Director of the Department of Insurance within 30 days of the date of this Order, setting forth the basis for relief under A.A.C. R20-6-114(B). Pursuant to A.R.S. § 41-1092.09, it is not necessary to request a rehearing before filing an appeal to Superior Court.

Respondent may appeal the final decision of the Director to the Superior Court of Maricopa County for judicial review pursuant to A.R.S. § 20-166. A party filing an appeal must notify the Office of Administrative Hearings of the appeal within ten days after filing the complaint commencing the appeal, pursuant to A.R.S. § 12-904(B).

COPY of the foregoing mailed this 13th day of Jan. , 2012 to:

Mary Kosinski, Executive Assistant for Regulatory Affairs Mary Butterfield, Assistant Director Catherine M. O'Neil, Consumer Legal Affairs Officer Steven Fromholtz, Licensing Director Arnold Sniegowski, Investigations

Arizona Department of Insurance 2910 North 44th Street, Suite 210 Phoenix, Arizona 85018

Thomas Guy Vail 452 E. Silverado Ranch Rd., #460 Las Vegas, NV 89183 Respondent

Curvey Walters Burton

STATE OF ARIZONA

MAR 1 0 2010

## STATE OF ARIZONA

DEPT	OL	4054	PAI	100	j. lar
BY_	_(-	B			· Share

## DEPARTMENT OF INSURANCE

In the Matter of:			
VAIL, THOMAS GUY, (Arizona License # 909238)	No. 10A- <u>039</u> -INS  CONSENT ORDER		
(National Producer # 392876)			
Respondent )			

The State of Arizona Department of Insurance ("Department") has received evidence that **Thomas Guy Vail** violated provisions of Title 20, Arizona Revised Statutes.

Respondent wishes to resolve this matter without the commencement of formal proceedings, and admits the following Findings of Fact are true and consents to entry of the following Conclusions of Law and Order.

# FINDINGS OF FACT

- 1. Thomas Guy Vail ("Vail" or "Respondent") is, and was at all material times, licensed by the Department as an Arizona non-resident life producer, Arizona license number 909238, which expires on June 30, 2011. Vail's home state is Nevada.
- 2. Vail's addresses of record with the Department are: 2850 W. Horizon, Henderson, NV 89052 (business); 2505 Anthem Village E-391, Henderson, NV 89052 (mailing and residence).
- 3. On October 23, 2009, the District Court of Clark County, Nevada, filed a Judgment of Conviction (Plea of Guilty) in Case No. C244324, Department VI finding Vail guilty of the crime of the Fraudulent Offer or Sale of Securities to a Person 60 Years of Age or Older, a Category B Felony.

- 4. Vail did not report the criminal conviction to the Department within 30 days.
- 5. On January 21, 2010, the State of Nevada, Department of Business and Industry, Division of Insurance ("NV DOI") entered a Summary of Proceedings, Findings of Fact, Conclusions of Law, Recommendations of the Hearing Officer and Order of the Commissioner, In the Matter of Thomas G. Vail, Cause No. 07.572. NV DOI suspended Vail's resident insurance producer license for violations of the Nevada Revised Statutes ("NRS"), specifically NRS §§ 683A.451(2), (6), (7), (8) and 679B.125 and Nevada Administrative Code 679B.039 (the "Suspension"). Additionally, the NV DOI found that Vail violated 18 U.S.C. § 1033 for engaging in the business of insurance without having first obtained a waiver from the Commissioner.
- 6. During the Suspension, Vail may apply to the NV DOI for a 18 U.S.C. § 1033 waiver. If the NV DOI grants the waiver, it will remove the Suspension and place Vail's license in probationary status. If the NV DOI denies the waiver, Vail's license will be revoked.
- 7. If Vail fails to apply to the NV DOI for a 18 U.S.C. § 1033 waiver within 11 months, the NV DOI will revoke Vail's license at the end of one year after the Suspension.

# **CONCLUSIONS OF LAW**

- 1. The Director has jurisdiction over this matter.
- 2. Respondent's conduct, as alleged above, constitutes failure to meet the requirement for non-resident licensure that the person is currently licensed as a resident and in good standing in the person's home state, within the meaning of A.R.S. § 20-287(A)(1).
- 3. Respondent's conduct, as alleged above, constitutes failure to report any criminal prosecution of the producer taken in any jurisdiction to the director within thirty days after the initial pretrial hearing date, within the meaning of A.R.S. § 20-301(B).

- 4. Respondent's conduct, as alleged above, constitutes a violation of Title 20, within the meaning of A.R.S. § 20-295(A)(2).
- 5. Respondent's conduct, as alleged above, constitutes having been convicted of a felony, within the meaning of A.R.S. § 20-295(A)(6).
- 7. Respondent's conduct, as alleged above, constitutes having an insurance producer license suspended in any state, within the meaning of A.R.S. § 20-295(A)(9).
- 8. Grounds exist for the Director to suspend, revoke or refuse to renew Respondent's insurance producer's license, pursuant to A.R.S. § 20-295(A).

# **ORDER**

#### IT IS HEREBY ORDERED THAT

- 1. The Director suspends Respondent's Arizona non-resident insurance producer's license, # 909238, immediately.
- 2. Respondent shall notify the Department of any further action taken by the NV DOI with regard to his resident license.
- 3. In the event the NV DOI reinstates Respondent's resident license in a probationary status, the Director reinstates Respondent's Arizona non-resident insurance producer's license, # 909238, from the date of reinstatement of Respondent's resident license, without further order of the Director.
- 4. In the event the NV DOI revokes Respondent's resident license, the Director revokes Respondent's Arizona non-resident insurance producer's license, #909238, from the date of revocation of Respondent's resident license, without further order of the Director.

DATED AND EFFECTIVE this general day of March, 2010.

CHRISTINA URIAS, Director Arizona Department of Insurance

#### **CONSENT TO ORDER**

- Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law and Order.
- 2. Respondent admits to the jurisdiction of the Director of Insurance, State of Arizona, and admits the foregoing Findings of Fact and consents to the entry of the foregoing Conclusions of Law and Order.
- 3. Respondent is aware of his right to notice and a hearing at which he may be represented by counsel, present evidence and examine witnesses. Respondent irrevocably waives his right to such notice and hearing and to any court appeals relating to this Consent Order.
- 4. Respondent states that no promise of any kind or nature whatsoever, except as expressly contained in this Consent Order, was made to him to induce him to enter into this Consent Order and that he has entered into this Consent Order voluntarily.
- 5. Respondent acknowledges that the acceptance of this Consent Order by the Director is solely to settle this matter against him and does not preclude any other agency, officer, or subdivision of this state including the Department from instituting civil or criminal proceedings as may be appropriate now or in the future not related to this matter.
- 6. Respondent acknowledges that this Consent Order is an administrative action that the Department will report to the National Association of Insurance Commissioners (NAIC). Respondent further acknowledges that he must report this administrative action to

. 1	any and all states in which he holds an insurance license and must disclose this				
2	administrative action on any license application.				
3	03/04/10				
5	Date Thomas Guy Vail, Arizona License # 909238 National. Prod. # 392876				
6					
7	COPY of the foregoing mailed this 10th day of March, 2010 to:				
8	Mary Kosinski, Executive Assistant for Regulatory Affairs				
9	Mary Butterfield, Assistant Director Catherine M. O'Neil, Consumer Legal Affairs Officer				
10	Steven Fromholtz, Licensing Director Arnold Sniegowski, Investigations				
11	Arizona Department of Insurance				
12	2910 North 44th Street, Suite 210 Phoenix, Arizona 85018				
13	Thomas Guy Vail				
14	452 E. Silverado Ranch Rd., #460 Las Vegas, NV 89183				
15	Respondent				
16					
17	Curvey Walters Burton				
18	Curvey vvallers Bufforf				
19					
20					
21					
22					
23					